United Nations S/RES/1589 (2005)

Security Council

Distr.: General
24 March 2005

Resolution 1589 (2005)

Adopted by the Security Council at its 5148th meeting, on 24 March 2005

The Security Council,

Recalling its previous resolutions on Afghanistan, in particular its resolution 1536 (2004) of 26 March 2004 extending the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) through 26 March 2005,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Welcoming once again the successful holding of the presidential election on 9 October 2004,

Recognizing the urgent need to tackle the ongoing challenges in Afghanistan, including the fight against narcotics, the lack of security in certain areas, terrorist threats, comprehensive nationwide disarmament, demobilization and reintegration of the Afghan Militia Forces and disbandment of illegal armed groups, timely preparation for the parliamentary, provincial and district elections, development of Afghan Government institutions, acceleration of justice sector reform, promotion and protection of human rights, and economic and social development,

Reaffirming in this context its continued support for the implementation of the provisions of the Bonn Agreement of 5 December 2001, and of the Berlin Declaration of 1 April 2004 including its annexes, and *pledging* its continued support thereafter for the Government and people of Afghanistan as they rebuild their country, strengthen the foundations of a constitutional democracy and assume their rightful place in the community of nations,

Recalling and emphasizing the importance of the Kabul Declaration of 22 December 2002 on Good-Neighbourly Relations (S/2002/1416), and *encouraging* all States concerned to continue to follow up on the Kabul Declaration and the Declaration on Trade, Transit and Inward Investment signed in Dubai in September 2003,

Expressing its appreciation and strong support for the ongoing efforts of the Secretary-General and his Special Representative for Afghanistan, and *stressing* the central and impartial role that the United Nations continues to play in promoting peace and stability in Afghanistan,

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1. *Welcomes* the report of the Secretary-General of 18 March 2005 (S/2005/183);

2. *Decides* to extend the mandate of UNAMA for an additional period of 12 months from the date of adoption of this resolution;

3. *Stresses* the importance of urgently establishing a framework for the holding at the earliest possible date of free and fair elections, *welcomes* in this regard the announcement of the Joint Electoral Management Body that elections for the lower house of the parliament (*Wolesi Jirga*) and provincial councils will be held on 18 September 2005, *calls upon* UNAMA to continue to provide necessary support in order to facilitate timely elections with the broadest possible participation, and *urges* the donor community to promptly make available the necessary financial support based on that framework, in close coordination with the Government of Afghanistan and UNAMA, and to consider contributing to electoral observer missions;

4. *Stresses* the importance of security for the credible parliamentary, provincial and district elections, and to this end *calls upon* Member States to contribute personnel, equipment and other resources to support the expansion of the International Security Assistance Force and the establishment of provincial reconstruction teams in other parts of Afghanistan, and to coordinate closely with UNAMA and the Government of Afghanistan;

5. *Welcomes* the international efforts to assist in setting up the new Afghan Parliament and ensure its efficient functioning, which will be critical to the political future of Afghanistan and the steps towards a free and democratic Afghanistan;

6. *Welcomes* the substantial progress in the disarmament, demobilization and reintegration (DDR) process in accordance with the Bonn Agreement, *encourages* the Government of Afghanistan to continue its active efforts to accelerate the DDR process towards its completion by June 2006, to disband the illegal armed groups and to dispose of the ammunition stockpile, and *requests* the international community to further extend assistance for these efforts;

7. *Welcomes* the effort to date of the Government of Afghanistan to implement its national drug control strategy adopted in May 2003, including through the launch of the 2005 Counter Narcotics Implementation Plan in February 2005, which reflects a new determination of the Government to tackle the cultivation, production and trafficking of drugs, *urges* the Government to take decisive action to stop the processing and trade of drugs and to pursue the specific measures set out in that plan in the fields of building institutions, information campaigns, alternative livelihoods, interdiction and law enforcement, criminal justice, eradication, demand reduction and treatment of addicts, and regional cooperation, and *calls on* the international community to provide every possible assistance to the Government in pursuing full implementation of all aspects of the plan;

8. *Supports* the fight against the illicit trafficking of drugs and precursors within Afghanistan and in neighbouring States and countries along trafficking routes, including increased cooperation among them to strengthen anti-narcotic controls to curb the drug flow, and *welcomes* in this context the signing on 1 April 2004 of the Berlin Declaration on Counter-Narcotics within the framework of the Kabul Declaration on Good-neighbourly Relations of 22 December 2002;

9. *Requests* UNAMA to continue to support the ongoing effort for the establishment of a fair and transparent justice system, including the reconstruction and reform of the prison sector, in order to strengthen the rule of law throughout the country;

10. *Calls for* full respect for human rights and international humanitarian law throughout Afghanistan and, in this regard, *requests* UNAMA, with the support of the Office of the United Nations High Commissioner for Human Rights, to continue to assist in the full implementation of the human rights provisions of the new Afghan constitution, in particular those regarding the full enjoyment by women of their human rights, *commends* the Afghan Independent Human Rights Commission for its courageous efforts to monitor respect for human rights in Afghanistan as well as to foster and protect these rights, *welcomes* in this regard the Commission's report of 29 January 2005 and the proposed national strategy for transitional justice, and *requests* international support for that endeavour;

11. *Welcomes* the development of the Afghan National Army and Afghan National Police and the ongoing efforts to increase their capabilities as important steps towards the goal of Afghan security forces providing security and ensuring the rule of law throughout the country;

12. *Calls upon* the Government of Afghanistan, with the assistance of the international community, including the Operation Enduring Freedom coalition and the International Security Assistance Force, in accordance with their respective designated responsibilities as they evolve, to continue to address the threat to the security and stability of Afghanistan posed by Al-Qaida operatives, the Taliban and other extremist groups, factional violence among militia forces and criminal activities, in particular violence involving the drug trade;

13. *Requests* the Secretary-General to report to the Council in a timely manner on developments in Afghanistan, and make recommendations on the future role of UNAMA, after the parliamentary elections;

14. *Decides* to remain actively seized of the matter.

United Nations S/RES/1590 (2005)

Security Council

Distr.: General
24 March 2005

Resolution 1590 (2005)

Adopted by the Security Council at its 5151st meeting, on 24 March 2005

The Security Council,

Recalling its resolutions 1547 (2004) of 11 June 2004, 1556 (2004) of 30 July 2004, 1564 (2004) of 18 September 2004, and 1574 (2004) of 19 November 2004, 1585 of 10 March 2005 and 1588 (2005) of 17 March 2005, and statements of its President concerning Sudan,

Reaffirming its commitment to the sovereignty, unity, independence and territorial integrity of Sudan, and recalling the importance of the principles of good neighbourliness, non-interference and regional cooperation,

Welcoming the signing of the Comprehensive Peace Agreement between the Government of Sudan (GOS) and the Sudan People's Liberation Movement/Army (SPLM/A) in Nairobi, Kenya on 9 January 2005,

Recalling the commitments made by the parties in the 8 April N'djamena Ceasefire Agreement and the 9 November 2004 Abuja Humanitarian and Security Protocols between the Government of Sudan, the Sudan People's Liberation Movement/Army (SPLM/A) and the Justice and Equality Movement (JEM), and recalling the commitments made in the Joint Communiqué of 3 July 2004 between the Government of Sudan and the Secretary-General,

Expressing its determination to help the people of Sudan to promote national reconciliation, lasting peace and stability, and to build a prosperous and united Sudan in which human rights are respected, the protection of all citizens assured,

Taking note of the statements of Vice-President Ali Osman Taha of the Government of Sudan and Chairman Garang of the SPLM/A at the meeting of the Council on 8 February 2005, and the strong will and determination they expressed to find a peaceful resolution to the conflict in Darfur as expressed at the meeting,

Recognizing that the parties to the Comprehensive Peace Agreement must build on the Agreement to bring peace and stability to the entire country, and calling on all Sudanese parties in particular those party to the Comprehensive Peace Agreement, to take immediate steps to achieve a peaceful settlement to the conflict in Darfur and to take all necessary action to prevent further violations of human

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rights and international humanitarian law and to put an end to impunity, including in the Darfur region,

Expressing its utmost concern over the dire consequences of the prolonged conflict for the civilian population in the Darfur region as well as throughout Sudan, in particular the increase in the number of refugees and internally displaced persons,

Considering that the voluntary and sustainable return of refugees and internally displaced persons will be a critical factor for the consolidation of the peace process,

Expressing also its deep concern for the security of humanitarian workers and their access to populations in need, including refugees, internally displaced persons and other war-affected populations,

Condemning the continued violations of the N'djamena Ceasefire Agreement of 8 April 2004 and the Abuja Protocols of 9 November 2004 by all sides in Darfur and the deterioration of the security situation and the negative impact this has had on humanitarian assistance efforts,

Strongly condemning all violations of human rights and international humanitarian law in the Darfur region, in particular the continuation of violence against civilians and sexual violence against women and girls since the adoption of resolution 1574 (2004), urging all parties to take necessary steps to prevent further violations, and expressing its determination to ensure that those responsible for all such violations are identified and brought to justice without delay,

Recalling the demands in resolutions 1556 (2004), 1564 (2004), and 1574 (2004), that all parties to the conflict in Darfur refrain from any violence against civilians and cooperate fully with the African Union Mission in Darfur,

Commending the efforts of the African Union, in particular its Chairman, acknowledging the progress made by the African Union in the deployment of an international protection force, police, and military observers, and calling on all member States to contribute generously and urgently to the African Union Mission in Darfur,

Commending also the efforts of the Intergovernmental Authority for Development (IGAD), in particular the Government of Kenya as Chair of the Subcommittee on Sudan,

Reaffirming its resolutions 1325 (2000) on women, peace, and security, 1379 (2001) and 1460 (2003) on children in armed conflicts, as well as resolutions 1265 (1999) and 1296 (2000) on the protection of civilians in armed conflicts and resolution 1502 (2003) on the protection of humanitarian and United Nations personnel,

Welcoming the efforts by the United Nations to sensitize United Nations personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its established operations,

Expressing grave concern at the allegations of sexual exploitation and misconduct by United Nations personnel in United Nations established operations, and welcoming the Secretary-General's 9 February 2005 letter to the Council in this regard, affirming there will be a zero-tolerance policy of sexual exploitation and abuse of any kind in all United Nations peacekeeping missions,

Recognizing that international support for implementation of the Comprehensive Peace Agreement is critically important to its success, emphasizing that progress towards resolution of the conflict in Darfur would create conditions conducive for delivery of such assistance, and alarmed that the violence in Darfur nonetheless continues,

Taking note of the Secretary-General's reports of 31 January 2005 (S/2005/57 and Add.1), 4 February 2005 (S/2005/68), and 4 March 2005 (S/2005/140) as well as the report of 25 January 2005 of the International Commission of Inquiry (S/2005/60),

Taking note of the request of the parties to the Comprehensive Peace Agreement for the establishment of a peace support mission,

Expressing appreciation for the important contributions of the Standby High Readiness Brigade (SHIRBRIG) towards the planning, preparation, and initial deployment of a peacekeeping operation, as well as the preparatory work by the United Nations Advance Mission in Sudan,

Determining that the situation in Sudan continues to constitute a threat to international peace and security,

1. *Decides* to establish the United Nations Mission in Sudan (UNMIS) for an initial period of 6 months and further decides that UNMIS will consist of up to 10,000 military personnel and an appropriate civilian component including up to 715 civilian police personnel;

2. *Requests* that UNMIS closely and continuously liaise and coordinate at all levels with the African Union Mission in Sudan (AMIS) with a view towards expeditiously reinforcing the effort to foster peace in Darfur, especially with regard to the Abuja peace process and the African Union Mission in Sudan;

3. *Requests* the Secretary-General, through his Special Representative for Sudan, to coordinate all the activities of the United Nations system in Sudan, to mobilize resources and support from the international community for both immediate assistance and the long-term economic development of Sudan, and to facilitate coordination with other international actors, in particular the African Union and IGAD, of activities in support of the transitional process established by the Comprehensive Peace Agreement, and to provide good offices and political support for the efforts to resolve all ongoing conflicts in Sudan;

4. *Decides* that the mandate of UNMIS shall be the following:

(a) To support implementation of the Comprehensive Peace Agreement by performing the following tasks:

(i) To monitor and verify the implementation of the Ceasefire Agreement and to investigate violations;

(ii) To liaise with bilateral donors on the formation of Joint Integrated Units;

(iii) To observe and monitor movement of armed groups and redeployment of forces in the areas of UNMIS deployment in accordance with the Ceasefire Agreement;

(iv) To assist in the establishment of the disarmament, demobilization and reintegration programme as called for in the Comprehensive Peace Agreement,

with particular attention to the special needs of women and child combatants, and its implementation through voluntary disarmament and weapons collection and destruction;

(v) To assist the parties to the Comprehensive Peace Agreement in promoting understanding of the peace process and the role of UNMIS by means of an effective public information campaign, targeted at all sectors of society, in coordination with the African Union;

(vi) To assist the parties to the Comprehensive Peace Agreement, in addressing the need for a national inclusive approach, including the role of women, towards reconciliation and peacebuilding;

(vii) To assist the parties to the Comprehensive Peace Agreement, in coordination with bilateral and multilateral assistance programmes, in restructuring the police service in Sudan, consistent with democratic policing, to develop a police training and evaluation programme, and to otherwise assist in the training of civilian police;

(viii) To assist the parties to the Comprehensive Peace Agreement in promoting the rule of law, including an independent judiciary, and the protection of human rights of all people of Sudan through a comprehensive and coordinated strategy with the aim of combating impunity and contributing to long-term peace and stability and to assist the parties to the Comprehensive Peace Agreement to develop and consolidate the national legal framework;

(ix) To ensure an adequate human rights presence, capacity, and expertise within UNMIS to carry out human rights promotion, civilian protection, and monitoring activities;

(x) To provide guidance and technical assistance to the parties to the Comprehensive Peace Agreement, in cooperation with other international actors, to support the preparations for and conduct of elections and referenda provided for by the Comprehensive Peace Agreement;

(b) To facilitate and coordinate, within its capabilities and in its areas of deployment, the voluntary return of refugees and internally displaced persons, and humanitarian assistance, inter alia, by helping to establish the necessary security conditions;

(c) To assist the parties to the Comprehensive Peace Agreement in cooperation with other international partners in the mine action sector, by providing humanitarian demining assistance, technical advice, and coordination;

(d) To contribute towards international efforts to protect and promote human rights in Sudan, as well as to coordinate international efforts towards the protection of civilians with particular attention to vulnerable groups including internally displaced persons, returning refugees, and women and children, within UNMIS's capabilities and in close cooperation with other United Nations agencies, related organizations, and non-governmental organizations;

5. ***Requests*** the Secretary-General to report to the Council within 30 days on options for how UNMIS can reinforce the effort to foster peace in Darfur through appropriate assistance to AMIS, including logistical support and technical assistance, and to identify ways in liaison with the AU to utilize UNMIS's

resources, particularly logistical and operations support elements, as well as reserve capacity towards this end;

6. *Calls upon* all parties to cooperate fully in the deployment and operations of UNMIS, in particular by guaranteeing the safety, security and freedom of movement of United Nations personnel as well as associated personnel throughout the territory of Sudan;

7. *Emphasizes* that there can be no military solution to the conflict in Darfur, and calls upon the Government of Sudan and the rebel groups, particularly the Justice and Equality Movement and the Sudanese Liberation Army/Movement to resume the Abuja talks rapidly without preconditions and negotiate in good faith to speedily reach agreement, and urges the parties to the Comprehensive Peace Agreement to play an active and constructive role in support of the Abuja talks and take immediate steps to support a peaceful settlement to the conflict in Darfur;

8. *Calls upon* all Member States to ensure the free, unhindered and expeditious movement to Sudan of all personnel, as well as equipment, provisions, supplies and other goods, including vehicles and spare parts, which are for the exclusive and official use of UNMIS;

9. *Calls upon* all parties to ensure, in accordance with relevant provisions of international law, the full, safe and unhindered access of relief personnel to all those in need and delivery of humanitarian assistance, in particular to internally displaced persons and refugees;

10. *Requests* that the Secretary-General transfer all functions performed by the special political mission in Sudan (UNAMIS) to UNMIS, together with staff and logistics of the office as appropriate, on the date when UNMIS is established, and to ensure a seamless transition between the United Nations and existing monitoring missions, namely the Verification Monitoring Team, the Joint Monitoring Mission, and the Civilian Protection Monitoring Team;

11. *Requests* the Secretary-General to keep the Council regularly informed of the progress in implementing the Comprehensive Peace Agreement, respect for the ceasefire, and the implementation of the mandate of UNMIS, including a review of the troop level, with a view to its adjusted reduction, taking account of the progress made on the ground and the tasks remaining to be accomplished and to report to the Council in this regard every three months;

12. *Requests* that the Secretary-General continue to report on a monthly basis on the situation in Darfur;

13. *Urges* the Joint Assessment Mission of the United Nations, the World Bank, and the parties, in association with other bilateral and multilateral donors, to continue their efforts to prepare for the rapid delivery of an assistance package for the reconstruction and economic development of Sudan, including official development assistance and trade access, to be implemented once implementation of the Comprehensive Peace Agreement begins, and welcomes the initiative of the Government of Norway to convene an international donors' conference for the reconstruction and economic development of Sudan, and urges the international community accordingly to donate generously, including to address the needs of internally displaced persons and refugees;

14. *Requests* the Secretary-General to take the necessary measures to achieve actual compliance in UNMIS with the United Nations zero-tolerance policy on sexual exploitation and abuse, including the development of strategies and appropriate mechanisms to prevent, identify and respond to all forms of misconduct, including sexual exploitation and abuse, and the enhancement of training for personnel to prevent misconduct and ensure full compliance with the United Nations code of conduct, *requests* the Secretary-General to take all necessary action in accordance with the Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) and to keep the Council informed, and *urges* troop-contributing countries to take appropriate preventive action including the conduct of pre-deployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

15. *Reaffirms* the importance of appropriate expertise on issues relating to gender in peacekeeping operations and post-conflict peacebuilding in accordance with resolution 1325 (2000), recalls the need to address violence against women and girls as a tool of warfare, and encourages UNMIS as well as the Sudanese parties to actively address these issues;

16. *Acting* under Chapter VII of the Charter of the United Nations,

(i) Decides that UNMIS is authorized to take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities, to protect United Nations personnel, facilities, installations, and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers, joint assessment mechanism and assessment and evaluation commission personnel, and, without prejudice to the responsibility of the Government of Sudan, to protect civilians under imminent threat of physical violence; and

(ii) Requests that the Secretary-General and the Government of Sudan, following appropriate consultation with the Sudan People's Liberation Movement, conclude a status-of-forces agreement within 30 days of adoption of the resolution, taking into consideration General Assembly resolution 58/82 on the scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel, and notes that pending the conclusion of such an agreement, the model status-of-forces agreement dated 9 October 1990 (A/45/594), shall apply provisionally;

17. *Underscores* the immediate need to rapidly increase the number of human rights monitors in Darfur, and urges the Secretary-General and the High Commissioner for Human Rights to undertake to accelerate the deployment of human rights monitors to Darfur and augment their numbers and also to move forward with the formation of civilian monitoring protection teams, and expects that the Secretary-General will report on progress on the formation of these teams in his reports to the Security Council as outlined in paragraph 11;

18. *Decides* to remain seized of the matter.

United Nations S/RES/1591 (2005)

Security Council

Distr.: General
29 March 2005

Resolution 1591 (2005)

Adopted by the Security Council at its 5153rd meeting, on 29 March 2005

The Security Council,

Recalling its resolutions 1547 (2004) of 11 June 2004, 1556 (2004) of 30 July 2004, 1564 (2004) of 18 September 2004, 1574 (2004) of 19 November 2004, 1585 (2005) of 10 March 2005, 1588 (2005) of 17 March 2005, and 1590 of 24 March 2005, and statements of its President concerning Sudan,

Reaffirming its commitment to the sovereignty, unity, independence and territorial integrity of Sudan, and recalling the importance of the principles of good neighbourliness, non-interference and regional cooperation,

Recalling the commitments made by the parties in the 8 April N'djamena Ceasefire Agreement and the 9 November 2004 Abuja Humanitarian and Security Protocols between the Government of Sudan, the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM), and recalling the commitments made in the Joint Communique of 3 July 2004 between the Government of Sudan and the Secretary-General,

Welcoming the signing of the Comprehensive Peace Agreement between the Government of Sudan (GOS) and the Sudan People's Liberation Movement/Army (SPLM/A) in Nairobi, Kenya on 9 January 2005,

Recognizing that the parties to the Comprehensive Peace Agreement must build on the Agreement to bring peace and stability to the entire country, and calling on all Sudanese parties, in particular those party to the Comprehensive Peace Agreement, to take immediate steps to achieve a peaceful settlement to the conflict in Darfur and to take all necessary action to prevent further violations of human rights and international humanitarian law and to put an end to impunity, including in the Darfur region,

Expressing its utmost concern over the dire consequences of the prolonged conflict for the civilian population in the Darfur region as well as throughout Sudan, in particular the increase in the number of refugees and internally displaced persons,

Considering that the voluntary and sustainable return of refugees and internally displaced persons will be a critical factor for the consolidation of the peace process,

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Expressing also its deep concern for the security of humanitarian workers and their access to populations in need, including refugees, internally displaced persons and other war-affected populations,

Condemning the continued violations of the N'djamena Ceasefire Agreement of 8 April 2004 and the Abuja Protocols of 9 November 2004 by all sides in Darfur and the deterioration of the security situation and negative impact this has had on humanitarian assistance efforts,

Strongly condemning all violations of human rights and international humanitarian law in the Darfur region, in particular the continuation of violence against civilians and sexual violence against women and girls since the adoption of resolution 1574 (2004), urging all parties to take necessary steps to prevent further violations, and expressing its determination to ensure that those responsible for all such violations are identified and brought to justice without delay,

Recognizing that international support for implementation of the Comprehensive Peace Agreement is critically important to its success, emphasizing that progress towards resolution of the conflict in Darfur would create conditions conducive for delivery of such assistance, and alarmed that the violence in Darfur nonetheless continues,

Recalling the demands, in resolutions 1556 (2004), 1564 (2004), and 1574 (2004), that all parties to the conflict in Darfur refrain from any violence against civilians and cooperate fully with the African Union Mission in Darfur,

Welcoming the 16 February 2005 N'djamena Summit on Darfur and the continued commitment of the African Union to play a key role in facilitating a resolution to the conflict in Darfur in all respects, and the announcement by the Government of Sudan on 16 February 2005 that it would take immediate steps, including withdrawal of its forces from Labado, Qarifa, and Marla in Darfur, and the withdrawal of its Antonov aircraft from Darfur,

Commending the efforts of the African Union, in particular its Chairman, acknowledging the progress made by the African Union in the deployment of an international protection force, police, and military observers, and calling on all member states to contribute generously and urgently to the African Union Mission in Darfur,

Reaffirming its resolutions 1325 (2000) on women, peace, and security, 1379 (2001) and 1460 (2003) on children in armed conflicts, as well as resolutions 1265 (1999) and 1296 (2000) on the protection of civilians in armed conflicts and resolution 1502 (2003) on the protection of humanitarian and UN personnel,

Taking note of the Secretary-General's reports of 31 January 2005 (S/2005/57 and Add.1), 3 December 2004 (S/2004/947), 4 February 2005 (S/2005/68), and 4 March 2005 (S/2005/140), as well as the report of 25 January 2005 of the International Commission of Inquiry (S/2005/60),

Determining that the situation in Sudan continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Deplores strongly* that the Government of Sudan and rebel forces and all other armed groups in Darfur have failed to comply fully with their commitments

and the demands of the Council referred to in resolutions 1556 (2004), 1564 (2004), and 1574 (2004), condemns the continued violations of the 8 April 2004 N'djamena Ceasefire Agreement and the 9 November 2004 Abuja Protocols, including air strikes by the Government of Sudan in December 2004 and January 2005 and rebel attacks on Darfur villages in January 2005, and the failure of the Government of Sudan to disarm Janjaweed militiamen and apprehend and bring to justice Janajaweed leaders and their associates who have carried out human rights and international humanitarian law violations and other atrocities, and demands that all parties take immediate steps to fulfil all their commitments to respect the N'djamena Ceasefire Agreement and the Abuja Protocols, including notification of force positions, to facilitate humanitarian assistance, and to cooperate fully with the African Union Mission;

2. *Emphasizes* that there can be no military solution to the conflict in Darfur, and calls upon the Government of Sudan and the rebel groups, particularly the Justice and Equality Movement and the Sudanese Liberation Movement/Army to resume the Abuja talks rapidly without preconditions and negotiate in good faith to speedily reach agreement, and urges the parties to the Comprehensive Peace Agreement to play an active and constructive role in support of the Abuja talks and take immediate steps to support a peaceful settlement to the conflict in Darfur;

3. *Decides*, in light of the failure of all parties to the conflict in Darfur to fulfil their commitments,

(a) to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council (herein "the Committee"), to undertake to following tasks:

i. to monitor implementation of the measures referred to in subparagraphs (d) and (e) of this paragraph and paragraphs 7 and 8 of resolution 1556 (2004), and paragraph 7 below;

ii. to designate those individuals subject to the measures imposed by subparagraphs (d) and (e) of this paragraph and to consider requests for exemptions in accordance with subparagraphs (f) and (g);

iii. to establish such guidelines as may be necessary to facilitate the implementation of the measures imposed by subparagraphs (d) and (e);

iv. to report at least every 90 days to the Security Council on its work;

v. to consider requests from and, as appropriate, provide prior approval to the Government of Sudan for the movement of military equipment and supplies into the Darfur region in accordance with paragraph 7 below;

vi. to assess reports from the Panel of Experts established under subparagraph (b) of this paragraph, and Member States, in particular those in the region, on specific steps they are taking to implement the measures imposed by subparagraphs (d) and (e) and paragraph 7 below;

vii. to encourage a dialogue between the Committee and interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures;

(b) to request the Secretary-General, in consultation with the Committee, to appoint for a period of six months, within 30 days of adoption of this resolution, a Panel of Experts comprised of four members and based in Addis Ababa, Ethiopia, to travel regularly to El-Fasher, Sudan and other locations in Sudan, and to operate under the direction of the Committee to undertake the following tasks:

i. to assist the Committee in monitoring implementation of the measures in subparagraphs (d) and (e), paragraphs 7 and 8 of resolution 1556 (2004), and paragraph 7 of this resolution, and to make recommendations to the Committee on actions the Council may want to consider;

ii. to provide a mid-term briefing on its work to the Committee, and an interim report no later than 90 days after adoption of this resolution, and a final report no later than 30 days prior to termination of its mandate to the Council through the Committee with its findings and recommendations; and

iii. to coordinate its activities as appropriate with ongoing operations of the African Union Mission in Sudan (AMIS);

(c) that those individuals, as designated by the Committee established by subparagraph (a) above, based on the information provided by Member States, the Secretary-General, the High Commissioner for Human Rights or the Panel of Experts established under subparagraph (b) of this paragraph above, and other relevant sources, who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, violate the measures implemented by Member States in accordance with paragraphs 7 and 8 of resolution 1556 (2004) and paragraph 7 of this resolution as implemented by a state, or are responsible for offensive military overflights described in paragraph 6 of this resolution, shall be subject to the measures identified in subparagraphs (d) and (e) below;

(d) that all States shall take the necessary measures to prevent entry into or transit through their territories of all persons as designated by the Committee pursuant to subparagraph (c) above, provided that nothing in this paragraph shall obligate a State to refuse entry into its territory to its own nationals;

(e) that all States shall freeze all funds, financial assets and economic resources that are on their territories on the date of adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons designated by the Committee pursuant to subparagraph (c) above, or that are held by entities owned or controlled, directly or indirectly, by such persons or by persons acting on their behalf or at their direction, and decides further that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such persons or entities;

(f) that the measures imposed by subparagraph (d) above shall not apply where the Committee established by subparagraph (a) above determines on a case by case basis that such travel is justified on the ground of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would otherwise further the objectives of the Council's resolutions for the creation of peace and stability in Sudan and the region;

(g) that the measures imposed by subparagraph (e) of this resolution do not apply to funds, other financial assets and economic resources that:

i. have been determined by relevant States to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within two working days of such notification;

ii. have been determined by relevant States to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee, or

iii. have been determined by relevant States to be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, or other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered prior to the date of the present resolution, is not for the benefit of a person or entity designated by the Committee, and has been notified by the relevant States to the Committee;

4. *Decides* that the measures referred to in subparagraphs 3 (d) and (e) shall enter into force 30 days from the date of adoption of this resolution, unless the Security Council determines before then that the parties to the conflict in Darfur have complied with all the commitments and demands referred to in paragraph 1 above and paragraph 6 below;

5. *Expresses* its readiness to consider the modification or termination of the measures under paragraph 3, on the recommendation of the Committee or at the end of a period of 12 months from the date of adoption of this resolution, or earlier if the Security Council determines before then that the parties to the conflict in Darfur have complied with all the commitments and demands referred to in paragraph 1 above and paragraph 6 below;

6. *Demands* that the Government of Sudan, in accordance with its commitments under the 8 April 2004 N'djamena Ceasefire Agreement and the 9 November 2004 Abuja Security Protocol, immediately cease conducting offensive military flights in and over the Darfur region, and invites the African Union Ceasefire Commission to share pertinent information as appropriate in this regard with the Secretary-General, the Committee, or the Panel of Experts established under paragraph 3 (b);

7. *Reaffirms* the measures imposed by paragraphs 7 and 8 of resolution 1556 (2004), and decides that these measures shall immediately upon adoption of this resolution, also apply to all the parties to the N'djamena Ceasefire Agreement and any other belligerents in the states of North Darfur, South Darfur and West Darfur; decides that these measures shall not apply to the supplies and related technical training and assistance listed in paragraph 9 of resolution 1556 (2004);

decides that these measures shall not apply with respect to assistance and supplies provided in support of implementation of the Comprehensive Peace Agreement; further decides that these measures shall not apply to movements of military equipment and supplies into the Darfur region that are approved in advance by the Committee established under paragraph 3 (a) upon a request by the Government of Sudan; and invites the African Union Ceasefire Commission to share pertinent information as appropriate in this regard with the Secretary-General, the Committee, or the Panel of Experts established under paragraph 3 (b);

8. *Reiterates* that, in the event the parties fail to fulfil their commitments and demands as outlined in paragraphs 1 and 6, and the situation in Darfur continues to deteriorate, the Council will consider further measures as provided for in Article 41 of the Charter of the United Nations;

9. *Decides* to remain seized of the matter.

United Nations S RES/1592 (2005)

Security Council

Distr.: General
30 March 2005

Resolution 1592 (2005)

Adopted by the Security Council at its 5155th meeting, on 30 March 2005

The Security Council,

Recalling its previous resolutions and the statements by its President concerning the Democratic Republic of the Congo, in particular resolution 1565 of 1 October 2004, and the statement of 2 March 2005 (S/PRST/2005/10),

Reaffirming its commitment to respect the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo as well as of all States in the region, and its support for the process of the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed in Pretoria on 17 December 2002, and calling on all the Congolese parties to honour their commitments in this regard, in particular so that free, fair and peaceful elections can take place,

Reiterating its serious concern regarding the continuation of hostilities by armed groups and militias in the eastern part of the Democratic Republic of the Congo, particularly in the provinces of North and South Kivu and in the Ituri district, and by the grave violations of human rights and of international humanitarian law that accompany them, *calling* on the Government of National Unity and Transition to bring the perpetrators to justice without delay, and *recognizing* that the continuing presence of ex-Forces armées rwandaises and Interahamwe elements remains a threat for the local civilian population and an impediment to good-neighbourly relations between the Democratic Republic of the Congo and Rwanda,

Welcoming in this regard the African Union's support for efforts to further peace in the eastern part of the Democratic Republic of the Congo, and *calling on* the African Union to work closely with MONUC in defining its role in the region,

Recalling its condemnation of the attack by one of these militias against members of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), on 25 February 2005, and welcoming the first steps taken to date to bring them to justice, in particular the arrests of militia leaders suspected of bearing responsibility for human rights abuses,

Reiterating its call on the Congolese parties, when selecting individuals for key posts in the Government of National Unity and Transition, including the Armed

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Forces and National Police, to take into account the record and commitment of those individuals with regard to respect for international humanitarian law and human rights,

Recalling that all the parties bear responsibility for ensuring security with respect to civilian populations, in particular women, children and other vulnerable persons, and *expressing concern* at the continuing levels of sexual violence,

Reaffirming its full support for MONUC and for its personnel, who operate in particularly hazardous conditions, and *welcoming* the robust action it is undertaking in pursuit of its mandate,

Recalling the link between the illicit exploitation and trade of natural resources in certain regions and the fuelling of armed conflicts, *condemning categorically* the illegal exploitation of natural resources and other sources of wealth of the Democratic Republic of the Congo, and *urging* all States, especially those in the region including the Democratic Republic of the Congo itself, to take appropriate steps in order to end these illegal activities,

Bearing in mind the third special report of the Secretary-General on MONUC, dated 16 August 2004 (S/2004/650), and its recommendations, and *aware* of the importance of keeping under review the situation in the Katanga and Kasai provinces,

Taking note of the seventeenth report of the Secretary-General on MONUC, dated 21 March 2005 (S/2005/167), and *looking forward* to the special report on the electoral process announced by the Secretary-General in paragraph 34 of his seventeenth report,

Noting that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the mandate of MONUC, as contained in resolution 1565, until 1 October 2005, with the intention to renew it for further periods;

2. *Reaffirms its demand* that all parties cooperate fully with the operations of MONUC and that they ensure the safety of, as well as unhindered and immediate access for, United Nations and associated personnel in carrying out their mandate, throughout the territory of the Democratic Republic of the Congo, and in particular that all parties provide full access to MONUC military observers, including to all ports, airports, airfields, military bases and border crossings, and *requests* the Secretary-General to report without delay any failure to comply with these demands;

3. *Urges* the Government of National Unity and Transition to do its utmost to ensure the security of civilians, including humanitarian personnel, by effectively extending State authority, throughout the territory of the Democratic Republic of the Congo and in particular in North and South Kivu and in Ituri;

4. *Calls on* the Government of National Unity and Transition to carry out reform of the security sector, through the expeditious integration of the Armed Forces and of the National Police of the Democratic Republic of the Congo and in particular by ensuring adequate payment and logistical support for their personnel, and *stresses the need* in this regard to implement without delay the national disarmament, demobilization and reinsertion programme for Congolese combatants;

5. *Further calls on* the Government of National Unity and Transition to develop with MONUC a joint concept of operations for the disarmament of foreign combatants by the Armed Forces of the Democratic Republic of the Congo, with the assistance of MONUC, within its mandate and capabilities;

6. *Calls on* the donor community, as a matter of urgency, to continue to engage firmly in the provision of assistance needed for the integration, training and equipping of the Armed Forces and of the National Police of the Democratic Republic of the Congo, and *urges* the Government of National Unity and Transition to promote all possible means to facilitate and expedite cooperation to this end;

7. *Emphasizing* that MONUC is authorized to use all necessary means, within its capabilities and in the areas where its armed units are deployed, to deter any attempt at the use of force to threaten the political process and to ensure the protection of civilians under imminent threat of physical violence, from any armed group, foreign or Congolese, in particular the ex-FAR and Interahamwe, *encourages* MONUC in this regard to continue to make full use of its mandate under resolution 1565 in the eastern part of the Democratic Republic of the Congo, and *stresses* that, in accordance with its mandate, MONUC may use cordon and search tactics to prevent attacks on civilians and disrupt the military capability of illegal armed groups that continue to use violence in those areas;

8. *Calls on* all the parties to the Transition in the Democratic Republic of the Congo to make concrete progress towards the holding of elections, as provided for by the Global and All-Inclusive Agreement, in particular in furthering the early adoption of the constitution and of the electoral law, as well as the registration of voters;

9. *Demands* that the Governments of Uganda, Rwanda, as well as the Democratic Republic of the Congo put a stop to the use of their respective territories in support of violations of the arms embargo imposed by resolution 1493 of 28 July 2003 or of activities of armed groups operating in the region;

10. *Further urges* all States neighbouring the Democratic Republic of the Congo to impede any kind of support to the illegal exploitation of Congolese natural resources, particularly by preventing the flow of such resources through their respective territories;

11. *Reaffirms its concern* regarding acts of sexual exploitation and abuse committed by United Nations personnel against the local population, and *requests* the Secretary-General to ensure compliance with the zero tolerance policy he has defined and with the measures put in place to prevent and investigate all forms of misconduct, discipline those found responsible and provide support to the victims, and to pursue active training and awareness-raising of all MONUC personnel, and *further requests* the Secretary-General to keep the Council regularly informed of the measures implemented and their effectiveness;

12. *Urges* troop-contributing countries carefully to review the Secretary-General's letter of 24 March 2005 (A/59/710) and to take appropriate action to prevent sexual exploitation and abuse by their personnel in MONUC, including the conduct of pre-deployment awareness-training, and to take disciplinary action and other action to ensure full accountability in cases of such misconduct involving their personnel;

13. *Decides* to remain actively seized of the matter.

United Nations S/RES/1593 (2005)

Security Council

Distr.: General
31 March 2005

Resolution 1593 (2005)

Adopted by the Security Council at its 5158th meeting, on 31 March 2005

The Security Council,

Taking note of the report of the International Commission of Inquiry on violations of international humanitarian law and human rights law in Darfur (S/2005/60),

Recalling article 16 of the Rome Statute under which no investigation or prosecution may be commenced or proceeded with by the International Criminal Court for a period of 12 months after a Security Council request to that effect,

Also recalling articles 75 and 79 of the Rome Statute and encouraging States to contribute to the ICC Trust Fund for Victims,

Taking note of the existence of agreements referred to in Article 98-2 of the Rome Statute,

Determining that the situation in Sudan continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to refer the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court;

2. *Decides* that the Government of Sudan and all other parties to the conflict in Darfur, shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution and, while recognizing that States not party to the Rome Statute have no obligation under the Statute, urges all States and concerned regional and other international organizations to cooperate fully;

3. *Invites* the Court and the African Union to discuss practical arrangements that will facilitate the work of the Prosecutor and of the Court, including the possibility of conducting proceedings in the region, which would contribute to regional efforts in the fight against impunity;

4. *Also encourages* the Court, as appropriate and in accordance with the Rome Statute, to support international cooperation with domestic efforts to promote the rule of law, protect human rights and combat impunity in Darfur;

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5. *Also emphasizes* the need to promote healing and reconciliation and encourages in this respect the creation of institutions, involving all sectors of Sudanese society, such as truth and/or reconciliation commissions, in order to complement judicial processes and thereby reinforce the efforts to restore long-lasting peace, with African Union and international support as necessary;

6. *Decides* that nationals, current or former officials or personnel from a contributing State outside Sudan which is not a party to the Rome Statute of the International Criminal Court shall be subject to the exclusive jurisdiction of that contributing State for all alleged acts or omissions arising out of or related to operations in Sudan established or authorized by the Council or the African Union, unless such exclusive jurisdiction has been expressly waived by that contributing State;

7. *Recognizes* that none of the expenses incurred in connection with the referral including expenses related to investigations or prosecutions in connection with that referral, shall be borne by the United Nations and that such costs shall be borne by the parties to the Rome Statute and those States that wish to contribute voluntarily;

8. *Invites* the Prosecutor to address the Council within three months of the date of adoption of this resolution and every six months thereafter on actions taken pursuant to this resolution;

9. *Decides* to remain seized of the matter.

United Nations S/RES/1594 (2005)

Security Council

Distr.: General
4 April 2005

Resolution 1594 (2005)

Adopted by the Security Council at its 5159th meeting, on 4 April 2005

The Security Council,

Recalling its resolutions 1528 (2004) of 27 February 2004, 1572 (2004) of 15 November 2004 and 1584 (2005) of 1 February 2005, as well as the relevant statements of its President, in particular those of 16 December 2004 (S/PRST/2004/48) and of 6 November 2004 (S/PRST/2004/42),

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and *recalling* the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Recalling that it endorsed the agreement signed by the Ivorian political forces in Linas-Marcoussis on 24 January 2003 (S/2003/99) (the Linas-Marcoussis Agreement) approved by the Conference of Heads of States on Côte d'Ivoire, held in Paris on 25 and 26 January 2003, and the Agreement signed in Accra on 30 July 2004 (the Accra III Agreement),

Welcoming the efforts of the Secretary-General, the African Union and the Economic Community of Western African States towards re-establishing peace and stability in Côte d'Ivoire, and reaffirming in this regard its full support to the ongoing facilitation mission undertaken by the President of the Republic of South Africa, Mr. Thabo Mbeki, on behalf of the African Union,

Taking note of the report of the Secretary-General dated 18 March 2005 (S/2005/186),

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the mandate of the United Nations Mission in Côte d'Ivoire and of the French forces which support it shall be extended for a period of one month until 4 May 2005;

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2. *Calls upon* all Ivorian parties immediately and actively to pursue a lasting and just solution to the current crisis, particularly through the African Union mediation led by President Thabo Mbeki;

3. *Decides* to remain actively seized of the matter.

United Nations S/RES/1595 (2005)

Security Council

Distr.: General
7 April 2005

Resolution 1595 (2005)

Adopted by the Security Council at its 5160th meeting, on 7 April 2005

The Security Council,

Reiterating its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon,

Endorsing the Secretary-General's opinion, as expressed in his letter of 24 March 2005 to the President of the Security Council, that Lebanon is passing through a difficult and sensitive period, that all concerned should imperatively behave with the utmost restraint and that the future of Lebanon should be decided strictly through peaceful means,

Reaffirming its unequivocal condemnation of the 14 February 2005 terrorist bombing in Beirut, Lebanon, that killed former Lebanese Prime Minister Rafiq Hariri and others, and caused injury to dozens of people, and *condemning* the subsequent attacks in Lebanon,

Having examined the report of the fact-finding mission to Lebanon inquiring into the circumstances, causes and consequences of this terrorist act (S/2005/203), transmitted to the Security Council by the Secretary-General following the declaration of the President of the Security Council of 15 February 2005 (S/PRST/2005/4),

Noting with concern the fact-finding mission's conclusion that the Lebanese investigation process suffers from serious flaws and has neither the capacity nor the commitment to reach a satisfactory and credible conclusion,

Noting also in this context its opinion that an international independent investigation with executive authority and self-sufficient resources in all relevant fields of expertise would be necessary to elucidate all aspects of this heinous crime,

Mindful of the unanimous demand of the Lebanese people that those responsible be identified and held accountable, and *willing* to assist Lebanon in the search for the truth,

Welcoming the Lebanese Government's approval of the decision to be taken by the Security Council concerning the establishment of an international independent investigation Commission, and *welcoming also* its readiness to cooperate fully with

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such a Commission within the framework of Lebanese sovereignty and of its legal system, as expressed in the letter of 29 March 2005 from the Chargé d'affaires a.i. of Lebanon to the United Nations to the Secretary-General (S/2005/208),

1. *Decides*, consistent with the above-mentioned letter from the Chargé d'affaires a.i. of Lebanon, to establish an international independent investigation Commission ("the Commission") based in Lebanon to assist the Lebanese authorities in their investigation of all aspects of this terrorist act, including to help identify its perpetrators, sponsors, organizers and accomplices;

2. *Reiterates* its call on the Lebanese government to bring to justice the perpetrators, organizers and sponsors of the 14 February 2005 terrorist bombing, and *calls upon* the Lebanese government to ensure that the findings and conclusions of the Commission's investigation are taken into account fully;

3. *Decides* that, to ensure the Commission's effectiveness in the discharge of its duties, the Commission shall:

- Enjoy the full cooperation of the Lebanese authorities, including full access to all documentary, testimonial and physical information and evidence in their possession that the Commission deems relevant to the inquiry;
- Have the authority to collect any additional information and evidence, both documentary and physical, pertaining to this terrorist act, as well as to interview all officials and other persons in Lebanon, that the Commission deems relevant to the inquiry,
- Enjoy freedom of movement throughout the Lebanese territory, including access to all sites and facilities that the Commission deems relevant to the inquiry;
- Be provided with the facilities necessary to perform its functions, and be granted, as well as its premises, staff and equipment, the privileges and immunities to which they are entitled under the Convention on the Privileges and Immunities of the United Nations;

4. *Requests* the Secretary-General to consult urgently with the Lebanese Government with a view to facilitate the establishment and operation of the Commission pursuant to its mandate and terms of reference as mentioned in paragraphs 2 and 3 above, and *requests also* that he report to the Council accordingly and notify it of the date the Commission begins its full operations;

5. *Requests further* the Secretary-General, notwithstanding paragraph 4 above, to undertake without delay the steps, measures and arrangements necessary for the speedy establishment and full functioning of the Commission, including recruiting impartial and experienced staff with relevant skills and expertise;

6. *Directs* the Commission to determine procedures for carrying out its investigation, taking into account the Lebanese law and judicial procedures;

7. *Calls on* all States and all parties to cooperate fully with the Commission, and in particular to provide it with any relevant information they may possess pertaining to the above-mentioned terrorist act;

8. *Requests* the Commission to complete its work within three months of the date on which it commenced its full operations, as notified by the Secretary-

General, and *authorizes* the Secretary-General to extend the Commission's operation for a further period not exceeding three months, if he deems it necessary to enable the Commission to complete its investigation, and requests that he inform the Security Council accordingly;

9. *Requests* the Commission to report to the Council on the conclusions of its investigation and *requests* the Secretary-General to update orally the Security Council on the progress of the Commission every two months during the operations of the Commission or more frequently as needed.